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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 6/14/2024

Admitted to Practice:
New York
New Jersey

MEMORANDUM ENDORSED

June 14, 2024

Hon. Gregory H. Woods
United States District Judge
500 Pearl Street
New York, NY 10007

Re: Viahart v. Creative Kids
Docket No. 20-9943

Dear Judge Woods:

I am the attorney for the defendants in the above-entitled matter. I hereby respectfully request an extension to file the Exhibits.

By Order dated June 13, 2024, the Court directed that the parties file their exhibits with the Court no later than 3:00 PM on June 14, 2024. The Jewish holiday of Shavuot was celebrated on June 13 and 14. I am an observant Jew and am forbidden to use any electronic devices on the holiday. I therefore did not see the Court's Order until after the holiday. I therefore respectfully request that the Court exhibits my time to file the Exhibits with the Court.

I was prepared to file the exhibits with the Court this morning if the Court agreed. However, I am having a problem with my printer and have not been able to print out all of the exhibits. In addition, I called Chambers and was told that the link to file the documents electronically expired.

I have not previously requested an extension to file the Exhibits. I e-mailed plaintiff's counsel to ask whether he would consent to a late filing of the Exhibits. I have not received a response.

Respectfully submitted,

s/ Solomon Rosengarten

Solomon Rosengarten

Hon. Gregory H. Woods, U.S.D.J.
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I thank the Court for its consideration.

Respectfully yours,

Solomon Rosengarten

Solomon Rosengarten

cc: Charles Wallace, Esq. (via ECF)
Christian Cowart, Esq. (via ECF)

Application denied. Defendants' request for an extension of time to file their exhibits, Dkt. No. 246, is denied. By order dated November 14, 2023, the Court set a deadline for the submission of pretrial materials, including the parties' anticipated exhibits, by April 19, 2024. Dkt. No. 203. That deadline expired nearly two months ago. At the November 13, 2023 conference at which the Court discussed the setting of a trial schedule, among other issues, the Court specifically noted that among the pretrial materials required by the established deadline "is the list of exhibits that will be used at trial." The Court emphasized that the work required to prepare and submit the exhibit list "illustrates the volume of advanced work that is required in order to submit the joint pretrial order," and that the exhibit list would require parties "to identify and mark all of the exhibits that you expect to introduce," "to provide them to your adversary," and "do that sufficiently in advance of the deadline so that [the adversary] can evaluate the piece of evidence, determine whether or not there is a basis for them to object to it, and to include in the joint pretrial order what the basis is for that objection." Defendants failed to comply with the Court's November 14, 2023 order in spite of these clear warnings and directions, and failed to do so without requesting an extension in advance of the April 19, 2024 deadline. Defendants' characterization of the exhibits being due on June 14, 2024 is incorrect. The Court's June 13, 2024 order merely directed the parties to provide the materials that were already long overdue, as clearly explained in the order. Dkt. No. 242. The Court will discuss counsel's failure to comply with the November 14, 2023 and June 13, 2024 orders during the conference scheduled to take place this afternoon.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 246.

SO ORDERED.

Dated: June 14, 2024
New York, New York



GREGORY H. WOODS
United States District Judge